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ROBERT SPRAGENS, JR. •  
FREDERICK A. HIGDON  
WILLIAM G. (JERRY) FOWLER, II  
• ALSO ADMITTED IN GEORGIA

RECEIVED  
AUG 19 2004  
PUBLIC SERVICE  
COMMISSION  
ROBERT M. SPRAGENS, SR.  
(1920-1998)

August 18, 2004

Elizabeth O'Donnell, Esq., Executive Director  
Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, KY 40602-0615

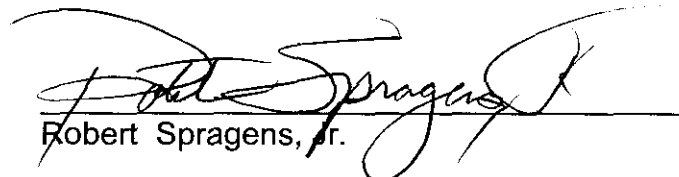
Dear Ms. O'Donnell:

Re: Case No. 2003-00395;  
Complainants: Charles T. Latko, Jr.  
and Lois G. Latko  
Respondent: Taylor County RECC

Please find enclosed an original and ten copies of a Motion to be filed in this proceeding which currently stands submitted to the Commission.

Very truly yours,

SPRAGENS, SMITH & HIGDON, P.S.C.

  
Robert Spragens, Jr.

RS,JR:js  
Enclosures

cc: Roland P. Merkel, Esq.  
H. Howell Brady, Jr., Esq.

cc: Mr. Barry L. Myers, Manager  
Taylor County RECC

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

RECEIVED  
AUG 19 2004  
PUBLIC SERVICE  
COMMISSION

In the Matter of:

CHARLES T. LATKO, JR.  
AND LOIS G. LATKO

COMPLAINANTS

v.

TAYLOR COUNTY RURAL ELECTRIC  
COOPERATIVE CORPORATION

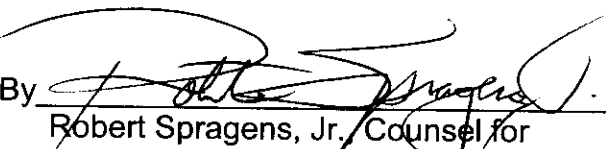
RESPONDENT

CASE NO. 2003-00395

**RESPONDENT'S MOTION TO DISMISS**

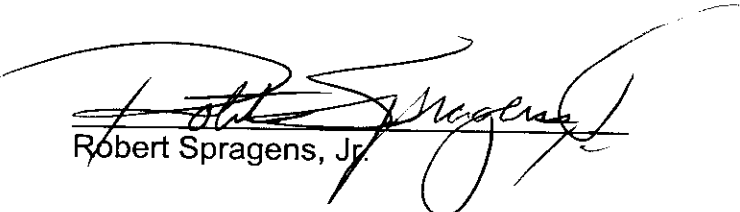
Respondent, Taylor County Rural Electric Cooperative Corporation, by counsel. hereby moves to dismiss as moot the within proceeding, that proceeding presently being under submission to the Commission and its Hearing Examiner. As grounds for and in support of the foregoing Motion, Respondent files herewith a certain Deed of Conveyance, dated August 5, 2004, and recorded in the office of the Taylor County Court Clerk on August 9, 2004, by means of which Complainants herein, Charles T. Latko, Jr. and Lois G. Latko, the owners of a life estate in and to the property with respect to which Complaint has been made, together with the owners of the remainder interest in that property, have sold the entirety of the property which was the subject of controversy herein to the grantees named in that Deed, thereby rendering moot the Complaint made herein.

SPRAGENS, SMITH & HIGDON, P.S.C.  
Attorneys at Law  
15 Court Square - P. O. Box 681  
Lebanon, Kentucky 40033  
Telephone (270) 692-3141

By   
Robert Spragens, Jr. Counsel for  
Taylor County Rural Electric  
Cooperative Corporation

I hereby certify that a true copy of  
the foregoing was mailed this  
18<sup>th</sup> day of August , 2004, to:

Roland P. Merkel, Esq.  
Roland P. Merkel, P.S.C.  
332 Capitol Avenue  
Frankfort, KY 40601  
**Attorney for Complainants**

  
Robert Spragens, Jr.

## DEED OF CONVEYANCE

This deed of conveyance, made and entered into this August 5<sup>th</sup>, 2004, by and between **CHARLES T. LATKO, JR.** and **LOIS G. LATKO**, husband and wife, of 6001 Knifley-Elkhorn Road, Knifley, KY 42753; **VIRGIL CAIN LATKO** and **TORI LATKO**, husband and wife, of 1788 Chestnut Level Road, Liberty, KY 42539; **JENNIFER LOUISE DOTSON** and **JOSEPH DOTSON**, wife and husband, of \_\_\_\_\_ Sam's Lane, Knifley, KY 42753; and **SHEILA MARIE OLINSKI**, a single person, of 25 Morgan Trail, Campbellsville, KY 42718, **THE GRANTORS**,

and **MARK ATTRIDGE** and **KIMBERLY ATTRIDGE**, husband and wife, of 429 Hicks Road, Liberty, KY 42539, **THE GRANTEES**,

WITNESSETH that for and in consideration of TWENTY-SEVEN THOUSAND TWO HUNDRED FIFTY DOLLARS (\$27,250.00), cash in hand paid, the receipt of which is hereby acknowledged the GRANTORS do hereby sell, grant, and convey unto the GRANTEES FOR AND DURING THEIR JOINT LIVES WITH REMAINDER IN FEE SIMPLE TO THE SURVIVOR OF THEM, and their heirs and assigns forever in fee simple absolute, all the rights in and title to the following described real estate situated in TAYLOR County, Kentucky, being described as follows, to-wit:

## FIRST TRACT:

A certain parcel of land located in Taylor County, Kentucky on the East side of KY 337, approximately 200 feet north of the KY 744 intersection at 636 Bradfordsville Road and more particularly described as follows:

Beginning at a point in the centerline of a culvert on the east right-of-way of KY 337 and corner to Samuel Gabhart Cox (D.B. 145, pg. 311) also located N 46 degrees 37 minutes 47 seconds W 44.09 feet from a utility pole; thence leaving the KY 337 right-of-way and running with the branch centerline and Samuel Cox line S 62 degrees 15 minutes 52 seconds E 108.21 feet; thence S 34 degrees 52 minutes 55 seconds E 245.00 feet to a large maple on the south bank; thence continuing with the Samuel Cox line and the Branch Centerline N 89 degrees 52 minutes 05 seconds E a distance of 220.00 feet to a point on the west side of Robinson's Branch of the Green River, also located N 12 degrees 13 minutes 57 seconds E a distance of 6.90 feet from an 18 inch water maple on the southwest bank corner; thence leaving the Samuel Cox line and running with the west bank of Robinson's Branch N 05 degrees 21 minutes 47 seconds W a distance of 11.83 feet; to a point and corner to Charles Bookout, Jr. (D.B. 164, pg. 219); thence leaving the west bank of Robinson's Branch and running with the Bookout line N 53 degrees 16 minutes 25 seconds W a distance of 10.00 feet to a set steel pin; thence continuing with the Bookout line partially fenced N 53 degrees 16 minutes 25 seconds West a distance of 541.87 feet to a set

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DATE 8/19/04 DEED TAX PAID



**BOOK 247 PAGE 649**

steel pin in the east right-of-way of KY 337, twenty (20) feet from the centerline; thence leaving the Bookout line and running with the KY 337 right-of-way, parallel to the centerline S 11 degrees 21 minutes 03 seconds West a distance of 56.04 feet; thence S 02 degrees 15 minutes 44 seconds West a distance of 13.66 feet to a set steel pin; thence S 02 degrees 15 minutes 44 seconds West a distance of 22.39 feet to the point of beginning, containing 1.064 acres by survey of Sam S. Anzelmo, Jr., LS#2688, dated March 30, 1998, a plat of which is found of record in Book 211, page 310 of the Taylor County Clerk's office, Kentucky.

This being the same real estate conveyed on July 13, 1998 from Lois G. Latko et vir to Lois G. Latko et al as found of record in Deed Book 211, page 306 of the Taylor County Clerk's office, Kentucky.

**SECOND TRACT:**

A certain parcel of land located in Taylor County, Kentucky, on the east side of KY 337, approximately 300 feet north of the KY 744 intersection and more particularly described as follows:

Beginning at a set steel pin in the east KY 337 right-of-way, twenty (20) feet from the centerline, and corner to Jerry Cox (DB 115, PG 230, etc.) also located S 38 degrees 22 minutes 20 seconds W a distance of 43.37 feet from a utility pole; thence leaving the Cox corner and running with the KY 337 east right-of-way, parallel to the centerline S 29 degrees 44 minutes 13 seconds W a distance of 51.51 feet; thence S 20 degrees 19 minutes 35 seconds W a distance of 50.95 feet to a set steel pin and corner to Lois G. Hartman (Latko); thence leaving the KY 337 right-of-way and running with the Lois G. Latko line, partially fenced S 53 degrees 16 minutes 25 seconds E a distance of 641.87 feet to a set steel pin; thence S 53 degrees 16 minutes 25 seconds E a distance of 10.00 feet to a point on the west bank of Robinson Branch; thence leaving the Latko line and running with the west bank of Robinson Branch N 05 degrees 21 minutes 47 seconds W a distance of 16.58 feet to a forked sycamore; thence N 08 degrees 47 minutes 01 seconds W a distance of 46.25 feet; thence N 01 degrees 56 minutes 46 seconds W a distance of 58.33 feet; thence N 04 degrees 16 minutes 09 seconds E a distance of 11.56 feet to a point in the west bank of the Branch and in the line of Cox; thence leaving the branch and running with the Cox line N 53 degrees 16 minutes 25 seconds W a distance of 10.00 feet to a set steel pin; thence continuing with the Cox line, partially fenced and now down, N 53 degrees 16 minutes 25 seconds W a distance of 10.00 feet to a set steel pin; thence continuing with the Cox line, partially fenced and now down, N 53 degrees 16 minutes 25 seconds W a distance of 475.77 feet to the point of beginning, containing 1.189 acres by survey of Sam S. Anzelmo LS #2688 dated March 30, 1998, a revised plat of which is found of record in Plat Cabinet A, Slide 329B of the Taylor County Clerk's office, Kentucky.

This being the same real estate conveyed on October 29, 2001 from Charles Bookout, Jr. and Meta Bookout to Charles T. Latko, Jr. et ux as found of record in Deed Book 230, page 271, records of the Taylor County Clerk's office, Kentucky.

To have and to hold all of the above-described real property together with all of the rights, privileges, appurtenances and improvements thereunto belonging, unto the Grantees, and their heirs and assigns forever; and said grantors hereby release and relinquish unto the grantees, their heirs and assigns, all right, title, and interest in and to the above described property, including dower, curtesy, and all exemptions allowed by law and hereby covenant to and with the said

grantees, their heirs and assigns, that said grantors are lawfully seized in fee simple title in and to said property and have good right to convey the same as herein done, and that said grantors warrant generally the title to said property.

Certificate: The parties hereto declare under penalties of perjury that the consideration hereinabove recited is the full actual consideration paid or to be paid for the property herein conveyed. The Grantees have subscribed their names to this instrument for the limited purpose of complying with the provisions of KRS 382.135.

In testimony whereof, the parties have hereunto set their hands on this date, which is first above written.

GRANTORS

CHARLES T. LATKO, JR. *[Signature]*  
VIRGIL CAIN LATKO *[Signature]*  
JENNIFER LOUISE DOTSON *[Signature]*  
SHEILA MARIE OLINSKI *[Signature]*

GRANTEES

MARK ATTRIDGE *[Signature]*  
KIMBERLY ATTRIDGE *[Signature]*

LOIS G. LATKO *[Signature]*  
TORI LATKO *[Signature]*  
JOSEPH DOTSON *[Signature]*

STATE OF KENTUCKY  
COUNTY OF TAYLOR

ACKNOWLEDGEMENT AND VERIFICATION BY GRANTORS

I, the undersigned, a Notary Public in and for the State and County aforesaid do hereby certify that the above and foregoing instrument in writing was this day produced to me in said State and County by CHARLES T. LATKO, JR. and LOIS G. LATKO, HUSBAND AND WIFE; VIRGIL CAIN LATKO and TORI LATKO, HUSBAND AND WIFE; JENNIFER LOUISE DOTSON and JOSEPH DOTSON, WIFE AND HUSBAND; SHEILA MARIE OLINSKI, a single person, who acknowledged and delivered the same to be their free act and deed, and who,

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after being sworn, did also state under oath before me that the consideration and the Certificate thereof set forth in said instrument is true and correct, as to only Jennifer and Joseph Dotson.

Witness my hand this 4 day of August 4, 2004.

My commission expires 2-13-06.

*Henri Jenthu*  
NOTARY PUBLIC-KY, STATE AT LARGE

STATE OF KENTUCKY

COUNTY OF TAYLOR

ACKNOWLEDGEMENT AND VERIFICATION BY GRANTORS

I, the undersigned, a Notary Public in and for the State and County aforesaid do hereby certify that the above and foregoing instrument in writing was this day produced to me in said State and County by CHARLES T. LATKO, JR. and LOIS G. LATKO, HUSBAND AND WIFE; VIRGIL CAIN LATKO and TORI LATKO, HUSBAND AND WIFE; SHEILA MARIE OLINSKI, a single person, who acknowledged and delivered the same to be their free act and deed, and who, after being sworn, did also state under oath before me that the consideration and the Certificate thereof set forth in said instrument is true and correct.

Witness my hand this 5 day of August 4, 2004.

My commission expires 2/13/05.

*Henry J. Hoff*  
NOTARY PUBLIC-KY, STATE AT LARGE

STATE OF KENTUCKY

COUNTY OF TAYLOR

VERIFICATION BY GRANTEEES

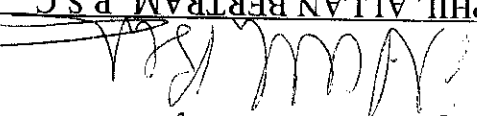
I, the undersigned, a Notary Public in and for the State and County aforesaid, certify that the above and foregoing instrument in writing was this day produced to me in said State and County by MARK ATTRIDGE AND KIMBERLY ATTRIDGE, HUSBAND AND WIFE, who, after being sworn, did state under oath before me that the consideration and the Certificate thereof set forth in said instrument is true and correct.

Witness my hand this 6th day of August, 2004.

My commission expires 8/24/2004  
2/13/05

*Dennis C. Skaggs*  
NOTARY PUBLIC-KY, STATE AT LARGE

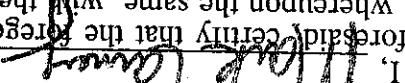


This Instrument Prepared By:  
BERTRAM & COX  
Attorneys at Law  
P.O. Box 1155  
Campbellsville, Kentucky 42719-1155  
  
PHIL ALLAN BERTRAM, P.S.C.

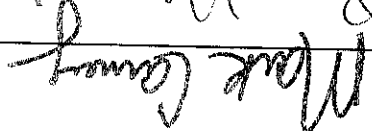
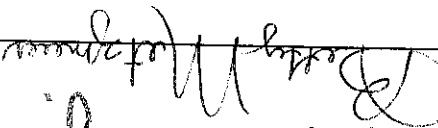
CLERK'S CERTIFICATE OF LODGMENT AND RECORD

STATE OF KENTUCKY

COUNTY OF TAYLOR

I, , Clerk of the County Court for the County and State aforesaid, certify that the foregoing Deed was on August 9, 2004 lodged for record, whereupon the same, with the foregoing and this certificate have been duly recorded in my office in Deed Book 247 Page 648.

Witness my hand, this 11<sup>th</sup> day of August, 2004.

  
Clerk  
  
D. C.

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